

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on TUESDAY 31 JULY 2018 in Room 3 Civic Suite, Catford Road, Catford SE6 4RU at 7.15pm.

Present

Councillor Stamirowski (Chair) Councillors Feis-Bryce, Kalu, and Wise.

Apologies for absence were received from Councillors Codd, Elliott, Howard and Millbank.

Observing; Councillor Hordijenko.

Fuel Tank 8/12 Creekside SE8 3DX

Applicant

Jack Spiegler - Solicitor for the applicant.
Sarah Thomson – Operations, Vacherin.

Representation

Charles Hayward and approximately eight other local residents.

Also Present

Lisa Hooper - Crime, Enforcement and Regulation Manager
Petra Der Man - Lawyer
P.C Nick Gerry – Metropolitan Police

1. Minutes

RESOLVED that the minutes of the meeting of the Licensing Committee held on 7 June 2018 be confirmed and signed as a correct record.

2. Declarations of Interests

None.

3. Fuel Tank 8/12 Creekside SE8 3DX

- 3.1 The Chair welcomed all parties to the meeting and introductions were made. She then invited Ms Hooper to introduce the application.

Licensing Officer

- 3.2 Ms Hooper said that members were being asked to consider an application for a new premises licence for Fuel Tank 8/12 Creekside SE8 3DX. The applicant is Vacherin Ltd. The application for the sale of alcohol, Monday to Sunday was until 11pm but had been reduced to 10pm as a compromise following the objections received. One representation had been received from a responsible authority; the

London Fire brigade, but this had been withdrawn. Fourteen representations had been received from local residents.

- 3.3 The Police and the Crime and Enforcement Officer had met with the applicant to discuss a number of conditions considered necessary to be added to the licence to promote the four licensing objectives. In addition, extra conditions had been agreed by the applicant this evening. Ms Hooper outlined the steps that members could take when considering this application.

Applicant

- 3.4 Mr Spiegler said that extra conditions to be added to the licence had been agreed that evening. He then read them out to the Committee as follows.

1. The premises licence holder shall implement a dispersal policy to ensure patrons leave the area quietly and respect local residents.
2. All windows and external doors shall be kept closed after 20:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
3. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
4. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
5. There shall be no more than 10 persons smoking outside the premises after 20:00 hours
6. Patrons permitted to temporarily leave and then re-enter the premises after 20:00 hours, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
7. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
8. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
9. There shall be no licensable activities provided in the external area after 20:00 hours.

- 3.5 Mr Spiegler confirmed that these conditions had been agreed in addition to the list of conditions already circulated. He said that Ms Thomson had sent a letter to residents who had made a relevant representation. He summarised the letter for members of the Committee who had only recently received the information. He said that Vacherin are a specialist in-house corporate catering company who have worked for many large well-known companies. More recently they have been contracted by Workspace to operate the Workspace office café and lounge area at Fuel Tank. The applicant is very experienced in providing licensable activities

across a range of similar premises; in particular the workspace units in close proximity to local residents. He referred to the location maps included in the agenda.

- 3.6 Mr Spiegler said that this application relates to workspace's new office café on the ground floor at 8/12 Creekside. The primary use of this area is that of a canteen for the office workers where they could, for instance, buy breakfast, a glass of wine at lunch or a drink with friends after work. It is also accessible to members of the public, including local residents.
- 3.7 The current proposal is for the premises to close at 4-5pm. The additional hours were applied for consistent with other licences granted for workspace, to allow occasional events; a birthday party or Christmas event for example. Mr Spiegler anticipates coffee, tea and sandwiches to be the most popular items sold in the café.
- 3.8 Following the concerns raised by residents, there has been a voluntary reduction in the sale of alcohol to 10pm, which he considered to be a very modest application and this specific hour was requested by one of the residents who made a representation.
- 3.9 Mr Spiegler said that under the public nuisance section of Lewisham's licensing policy, it is encouraged to ensure that external areas close at 10pm where there have been objections. Vacherin have gone a lot further than that. There is double glazing and air conditioning, where the applicant's terminal hour is 10pm. He made a reassurance that this is not an application to introduce a late night bar with regulated entertainment after 11pm or late night refreshment. He hoped that all the conditions addressed the concerns of residents. The premises is not within the cumulative impact zone, so there is no presumption to refuse this application.
- 3.10 Mr Feis-Bryce asked how these stringent conditions would be enforced, ensuring that no more than 10 smokers are outside at any one time for example. Mr Spiegler said that the premises are small and referred to the plan on page 46 in the agenda. The counter is in the centre of the premises and offers a good line of sight. There are glazed walls to the outside area so staff will be able to monitor the number of smokers.
- 3.11 Councillor Wise asked how many staff would be on duty. Ms Thomson said that she manages seven operations. There is one lone lady worker at the moment but staffing levels would depend on each event. Staff could be brought in if required.
- 3.12 Councillor Wise asked if only one member of staff would be on duty at any one time. Ms Thomson said that it would depend on the event; if up to 50 people are expected there would be 2-3 members of staff. If table service is required there will be approximately 6 members of staff.

Representation

- 3.13 The Chair asked the residents if anyone wished to address the Committee. Mr Hayward came forward. He asked for clarification about the licensable hours for the sale of alcohol and whether it would be 11pm with closure of the premises at

11.30pm. The Chair confirmed that the sale of alcohol would cease at 10pm and the premises would close at 10.30pm. Mr Hayward said that if the intention was that the premises would generally shut at 5pm, the applicant could have applied for a Temporary Event Notice (TEN) on the nights that they wanted to hold an event after 5pm. Mr Spiegler said that the applicant does not wish to apply for a licence until 2am, for example, because it is a much higher risk and would not be acceptable for residents. This is a more modest application and occasionally the applicant can apply for later events. It takes time to apply for a TEN and having a licence until 10pm gives the flexibility to allow the café to remain open after the proposed closing time of 5pm.

- 3.14 Mr Hayward said that residents were objecting to an application that allows events to take place until 10pm every night of the week. Ms Thomson said that if a patron wants a glass of wine with their lunch or something more casual, this is part of their reasoning as well. This is a business centre, and aims to cater for those in the work place so will be a civilised place for patrons. She manages seven similar sites but has never had any complaints from residents.
- 3.15 Mr Hayward said that an alcohol licence ending at 10pm is too late for children living opposite the premises and their sleep could be disturbed if the licence is granted. The Chair said that this is a new application for a premises licence, therefore the applicant has not failed to uphold the four licensing objectives. If however the licence were ever to be granted, then if residents were to have any serious problems with the management of these premises, they could then apply for a review of the licence.
- 3.16 Members of the Committee then withdrew to make their decision. When they returned it was:

RESOLVED that the premises licence be granted.

- 3.17 Ms. Der Man said that any registered party and the applicant may appeal against this decision to the Magistrates Court within 21 days from the date of the decision letter which would be sent out within 5 days of the meeting.

Chair